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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,446	02/23/2004	Aviv Eyal	FRIS.P728	8265
30554 7590 05/29/2008 SHEMWELL MAHAMED ILLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129				
EXAMINER				
LIM, KRISNA				
ART UNIT		PAPER NUMBER		
2153				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,446

**Applicant(s)**

EYAL, AVIV

**Examiner**

Krisna Lim

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5, 7, 12 and 19-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 12 and 19-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1, 5, 7, 12 and 19-39 are pending for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 7, 12 and 19-39 are rejected under 35 U.S.C. §102(e) as being anticipated by Katinsky et al. [U.S. Patent No. 6,452,609]. The applicant submitted this reference.
4. Katinsky anticipates (e.g., see Figs. 1-17) the invention substantially as claimed. Taking claim 21 as an exemplary claim, the reference anticipates a media distribution and playback system comprising: a terminal-side subsystem (e.g., Fig. 10) being provided on a terminal and comprising a media playback component (e.g., see 1036 of Fig. 10) and a network browsing component (e.g., see browser components of Fig. 10), wherein the terminal- side subsystem is configured to enable a user-input that results in a search operation (generate query of Fig. 12) being performed using a database that stores information about a plurality of media resources, so that a search result is identifiable from the user- input (e.g., see Fig. 12); the terminal-side subsystem being configured to receive one or more commands communicated from a server-side subsystem of the system over a network (e.g., see Fig. 10); wherein the media playback component is at least partially and directly controllable by at least one of the commands (a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, col. 1, line 52, to col. 2, line 65) that is received from the server-side portion over the network, the

media playback component using the at least one of the commands to continuously playback two or more media resources (e.g., see col. 1, line 52, to col. 2, line 65) that are at least partially accessible over the network, including at least one media resource identified from the search result; wherein the network browsing component is at least partially controllable by at least one of the terminal-side subsystem or at least one of the one or more commands, in order to display information associated with at least one media resource identified in the search result (e.g., see col. 1, line 52, to col. 2, line 65).

5. As to claim 22, Katinsky anticipates the network browsing component (e.g., see browser components of Fig. 10, col. 1, line 52, to col. 2, line 65) is operable to enable a user to interact with the system and to provide the user-input (tabs of the media access area).

6. As to claim 23, Katinsky anticipates the network browsing component is operable with the media playback component without requiring any user- input (e.g., a sequencer, see col. 1, line 52, to col. 2, line 65).

7. As to claim 24, Katinsky anticipates the at least one media resource identified from the search result is directly streamed to the media playback component from the server-side portion of the system (e.g., see col. 2, lines 31-37).

8. As to claim 25, Katinsky anticipates at least one of the two or more media resources that are continuously played back include an advertisement (e.g., the banner) or a copyright notice (e.g., see col. 2, lines 5-30).

9. As to claim 26, Katinsky anticipates at least one of the two or more media resources is played back automatically (e.g., a sequencer) and in response to the user-input based that result in the search operation (e.g., see col. 1, line 52, to col. 2, line 50).

10. As to claim 27, Katinsky anticipates at least one of the two or more media resources that are continuously played back include an advertisement (e.g., the banner) or a copyright notice (e.g., see col. 2, lines 5-30).

11. As to claim 28, Katinsky anticipates at least one of the two or more media resources is played back from a result of a past search operation that was performed by a user using the system.

12. As to claim 29, Katinsky anticipates a database (e.g., see content DB 1010, Interface DB 1012, User Interface 1014) that stores information for enabling the search operation to be performed to identify the search result.

13. As to claim 30, Katinsky anticipates the database resides at least partially on the terminal so as to be part of the terminal-side subsystem (e.g., see User database data resource objects, Interface and content data source objects of Fig. 10).

14. As to claim 31, Katinsky anticipates a device on which the terminal-side subsystem is provided corresponds to anyone of a cellular device, a portable computer with non-cellular wireless communication capabilities, or a laptop or personal computer.

15. Claims 1, 5, 7 and 32-39 are similar in scope as of claims 21-31, and therefore claims 1, 5, 7 and 32-39 are rejected for the same reasons set forth above for claims 21-31.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 25, 2008

/Krisna Lim/

Primary Examiner, Art Unit 2153